§ 4.1263 Contents of application.

The application shall include—

(a) A detailed written statement setting forth the reasons why relief should be granted;

(b) A showing that there is a substantial likelihood that the findings and decision of the administrative law judge in the matters to which the application relates will be favorable to the applicant;

(c) A statement that the relief sought will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air, or water resources;

(d) If the application relates to an order of cessation issued pursuant to section 521(a)(2) or section 521(a)(3) of the act, a statement of whether the requirement of section 525(c) of the act for decision on the application within 5 days is waived; and

(e) A statement of the specific relief requested.

§ 4.1264 Response to application.

(a) Except as provided in § 4.1266(b), all parties to the proceeding to which the application relates shall have 5 days from the date of receipt of the application to file a written response.

(b) Except as provided in § 4.1266(b), the administrative law judge may hold a hearing on any issue raised by the application if he deems it appropriate.

§ 4.1265 Determination on application concerning a notice of violation issued pursuant to section 521(a)(3) of the act.

Where an application has been filed requesting temporary relief from a notice of violation issued under section 521(a)(3) of the act, the administrative law judge shall expeditiously issue an order or decision granting or denying such relief.

§ 4.1266 Determination on application concerning an order of cessation.

(a) If the 5-day requirement of section 525(c) of the act is waived, the administrative law judge shall expeditiously conduct a hearing and render a decision on the application.

(b) If there is no waiver of the 5-day requirement of section 525(c) of the act,

the following special rules shall apply—

(1) The 5-day time for decision shall not begin to run until the application is filed pursuant to § 4.1262 or a copy of the application is received by the field solicitor for the region in which the mine site subject to the order is located, whichever occurs at a later date (see § 4.1109 for addresses);

(2) The application shall include an affidavit stating that telephone notice has been given to the field office of OSM serving the state in which the minesite subject to the order is located. The telephone notice shall identify the mine, the mine operator, the date and number of the order from which relief is requested, the name of the OSM inspector involved, and the name and telephone number of the applicant. OSM's field offices and their numbers follow:

Albuquerque Field Office (serving Arizona, California, and New Mexico) (505) 248–5070.
Big Stone Gap Field Office (serving Virginia) (276) 523–4303.
Birmingham Field Office (serving Alabama and Mississippi) (205) 290–7282 (ext. 16).
Casper Field Office (serving Idaho, Montana, North Dakota, South Dakota, and Wyoming) (307) 261–6550.
Charleston Field Office (serving West Virginia) (304) 347–7158.
Columbus Team Office (serving Maryland, Michigan, and Ohio) (412) 937–2153.
Harrisburg Field Office (serving Massachusetts, Pennsylvania, and Rhode Island) (717) 782–4036.
Knoxville Field Office (serving Georgia, Tennessee, and North Carolina) (865) 545–4103 (ext. 186).
Lexington Field Office (serving Kentucky) (859) 260–8402.
Mid-Continent Regional Coordinating Center (serving Iowa, Kansas, and Missouri) (618) 463–6460.
Olympia Office (serving Washington) (360) 753–9538.
Tulsa Field Office (serving Arkansas, Louisiana, Oklahoma, and Texas) (918) 581–6431 (ext. 23).
Western Regional Coordinating Center (serving Alaska, Colorado, Oregon, and Utah) (303) 844–1400 (ext. 1424).

(3) Prior to or at the hearing, the applicant shall file with OHA an affidavit stating the date upon which the copy of the application was delivered to the office of the field solicitor or the applicant may make an oral statement at